

Notice of Allowability

Application No.

10/674,540

Examiner

Vinod Kumar

Applicant(s)

THOMPSON ET AL.

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview of 01/26/2006.
2. ☒ The allowed claim(s) is/are 5 and 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/610,104.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 01/26/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation Sheet (PTOL-37)

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Continuation of Attachment(s) 9. Other: Interview Summary (PTO-413). Regarding
Election of Sequence.

EXAMINER'S AMENDMENT

1. Applicant's election without traverse of Group II, claims 5 and 6 in the paper filed November 21, 2005 is acknowledged. However, Applicant did not respond to the election of nucleotide sequence as set forth in first office action. But during subsequent telephonic conversation with Teresa Lavenue on December 22, 2005, Applicant elected SEQ ID NO: 1 and its encoded protein SEQ ID NO: 2 (Interview summary attached). Affirmation to election of SEQ ID NO: 1 must be made by applicant in replying to this office action. The claims 5 and 6 in conjunction with SEQ ID NOs: 1 and its encoded protein as defined in SEQ ID NO: 2 are examined in this Office Action. Claims 1-4, 7-53 and SEQ ID NOs. 18 and 19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. This restriction is made FINAL.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Teresa A. Lavenue (Reg. No. 47,737) on January 25, 2006.

In the specification:

In specification, the priority data on page 1 was updated to –This application is a continuation of application Serial No. 09/610,104, filed on July 5, 2000 (now U.S. Patent No. 6,774,284), which is a continuation-in-part of application of application Serial No.

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09/597,774, filed June 19, 2000 (Abandoned), which is a continuation-in-part of application of application Serial NO. 09/250,280, filed February 16, 1999 (Abandoned), which is a continuation-in-part application of application Serial No. 09/105,812, filed June 26, 1998 (Abandoned), and incorporated herein in its entirety by reference thereto.

In specification, page 9 and line 30, "(Figure 2)" was amended to --(Figure 2A and Figure 2B)--.

In specification, page 11 and line 15, "(Figure 8)" was amended to --(Figure 8A and Figure 8B)--.

In specification, page 12 and line 7, "(Figure 12A)" was amended to --(Upper Panel)--.

In specification, page 12 and line 8 through line 9, "(Figure 12B)" was amended to --(Lower Panel)--.

In specification, page 12 and line 13, "(Figure 13)" was amended to --(Figure 13A and Figure 13B)--.

In specification, page 12 and line 30, "(Figure 15A)" was amended to --(Upper Panel)--.

In specification, page 12 and line 31, "(Figure 15B)" was amended to --(Lower Panel)--.

In specification, page 12 and line 37, "(Figure 16A)" was amended to --(Upper Panel)--.

In specification, page 13 and line 38, "(Figure 16B)" was amended to --(Lower Panel)--.

Applicant is reminded that formal drawings must reflect these changes to the Figures.

In the claims:

Claims 1-4 and 7-53 have been cancelled.

Claim 5. (amended). An isolated senescence-induced lipase encoded by a nucleotide sequence which [hybridizes under low stringency conditions with SEQ ID NO: 1, SEQ ID NO: 18 or both, or a functional derivative of the senescence-induced lipase] has at least 90% sequence identity to SEQ ID NO: 1, and wherein the nucleotide sequence encodes an amino acid sequence that has senescence-induced lipase activity of SEQ ID NO: 2.

Claim 6. (amended). The senescence-induced lipase of claim 5 wherein the lipase has the amino acid sequence SEQ ID NO: 2 [or SEQ ID NO: 19].

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claims are drawn to an isolated senescence-induced lipase encoded by a nucleotide sequence which encodes senescence induced lipase, wherein the nucleic acid has at least 90% sequence identity to SEQ ID NO: 1, and encodes an amino acid sequence that has senescence-induced lipase activity of SEQ ID NO: 2. The prior art teaches an amino acid sequence having 33.1% sequence identity with SEQ ID NO: 2 (Bevan et al., NCBI, GenBank, Accession NO. AL021710, Published February 3, 1998). The prior art does not teach or suggest a sequence of SEQ ID NO: 1 or its encoded protein SEQ ID NO: 2.

Accordingly, the claimed invention is free of the prior art.

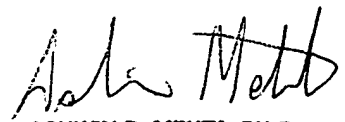
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod Kumar whose telephone number is (571) 272-4445. The examiner can normally be reached on 8.30 a.m. to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 31, 2006


ASHWIN D. MENTA, PH.D.
PRIMARY EXAMINER